



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 09/880,897 | 06/15/2001 | Martin Niklasson | 123319.200 | 6620 |
| 22907 | 7590 | 04/06/2006 | EXAMINER | |
| BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001 | | | CHOWDHURY, SUMAIYA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|---|--|
| Office Action Summary | Application No. 09/880,897 | Applicant(s) NIKLIASSON, MARTIN | |
| | Examiner Sumaiya A. Chowdhury | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues that the 112 rejection should be withdrawn on page 8, 4th paragraph of the amendment filed 2/17/2006.

In response, applicant should note that claim 30 calls for "the trigger is provided without an identification of the trigger". First, this is not practical or maybe impossible in that a trigger must be identified for it [the trigger] to be received or detected. In other words, if a trigger is not identified, then it cannot be received or detected by the central facility, operator or advertiser.

Secondly, applicant's language or wording is completely different from the disclosure that states "**the unique trigger ID is omitted from the trigger...only the trigger header 101 is sent in data stream**". Again, the specification states that "a unique ID" is omitted not that the trigger is not identified. In other words, the specification suggests that the triggers are similar or the same but that the triggers are not unique.

(b) Applicant argues "Masseti fails to teach or suggest claim 12, 27, 28, or 29. Aras also fails to teach or suggest claim 12, 27, 28, or 29..." on page 9, 8th paragraph – page 10, 1st paragraph of the amendment filed 2/17/06.

In response, the examiner feels that Massetti and Aras **does** meet the claimed limitations and that the applicant should further explicate what the references fail to teach or suggest.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Specification fails to support that the trigger is provided without an identification of the trigger as recited in claims 30-33. The Specification only discloses that the unique trigger ID is omitted from the trigger...trigger header is sent in data stream on page 6, paragraph [0031] of the Specification. However, the trigger header identifies the trigger, therefore claim 30-33 are not practical.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 14-15, 17-18, 22-25, 27-29, 34, and 39-42, are rejected under 35 U.S.C.

103(a) as being unpatentable over Massetti (5850249) in view of Brooks (5483276)

Considering claim 12, Massetti discloses a method of logging events in a multimedia integrated receiver decoder (TV receiver 36, 38, 40 – Fig. 1), said method comprising the following steps:

- a) providing a trigger (source identification code – col. 15, lines 1-8),
- b) transmitting said trigger to said integrated receiver decoder in a data stream together with an event to be monitored (col. 15, lines 1-8), and
- c) if said integrated receiver decoder is tuned to said data stream, storing said trigger (col. 15, lines 26-50).
- d) transmitting said stored trigger information from said IRD without user identification information (col. 15, lines 26-50, col. 10, lines 11-17, col. 16, lines 25-40, col. 17, lines 22-26).

However, Massetti fails to disclose:

- e) permitting an operator to use the method
- f) giving a user incitement to allow use of the method

In an analogous art, Brooks discloses permitting an operator (centralized facility 400 – Fig. 1) to monitor what the user watches (col. 4, lines 30-32) and to provide the user incitement to allow use of the monitoring (col. 4, lines 62-66, col. 5, lines 21-25,

Art Unit: 2623

lines 39-46) for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Brooks, for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

As for claim 14, Massetti and Brooks discloses the claimed limitations. In particular, Massetti discloses wherein said trigger comprises a unique trigger identity identification. The source identification code is a program ID which is a unique trigger identity identification – col. 15, lines 1-8

As for claim 15, Massetti and Brooks discloses the claimed limitations. In particular, Massetti discloses wherein said trigger identity identification is stored in a log file (line-up table; col. 15, lines 43-50, col. 16, lines 33-40).

As for claim 17, Massetti and Brooks discloses the claimed limitations. In particular, Massetti discloses a method wherein a channel identifier identifying the channel presently tuned to is stored in a list together with a time stamp (col. 15, lines 28-40).

As for claim 18, Massetti and Brooks discloses the claimed limitations. In particular, Massetti discloses wherein said stored trigger information is used for determining selection of specific event. – col. 15, lines 35-50, col. 6, lines 48-56.

As for claim 22, Massetti discloses a multimedia integrated receiver decoder, comprising:

- a device (TV receiver 36, 38, 40 – Fig. 1) for receiving a data stream (col. 7, lines 14-21)
- a device (184 – Fig. 5) for identifying triggers (source identification codes) in said data stream accompanying an event in said data stream (col. 15, lines 28-42),
- a device (192 – Fig. 5) for storing information regarding said triggers (col. 15, lines 30-43), and
- a device (194 – Fig. 5) for transmitting said stored information without user identification information (col. 15, lines 34-43).

However, Massetti fails to disclose:

- e) permitting an operator to use the method
- f) giving a user incitement to allow use of the method

In an analogous art, Brooks discloses permitting an operator (centralized facility 400 – Fig. 1) to monitor what the user watches (col. 4, lines 30-32) and to provide the user incitement to allow use of the monitoring (col. 4, lines 62-66, col. 5, lines 21-25, lines 39-46) for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Brooks, for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

As for claim 23, Massetti discloses a system for logging events in a multimedia integrated receiver decoder, said system comprising:

- a transmitter (44, 46, 48 – Fig. 1, col. 7, lines 22-40)
- a receiver (TV receiver 36, 38, 40 – Fig. 1)
- a device (74 – Fig. 1) for interconnecting said transmitter and said receiver (col. 7, lines 15-35) ,

wherein said transmitter comprises:

- a device (44, 46, 48 – Fig. 1) for providing triggers in a data stream accompanying an event (col. 7, lines 22-40, lines 55-60),
- a device (44, 46, 48 – Fig. 1) for transmitting said data stream to said receiver, and wherein

-said receiver comprises

- a device (184 – Fig. 5) for identifying said triggers (source identification codes) in a data stream received by the receiver (col. 15, lines 28-42),
- a device (192 – Fig. 5) for storing identified triggers in memory (col. 15, lines 30-43), and

-a device (194 – Fig. 5) for transmitting said stored identified triggers from said integrated receiver decoder without user identification information (col. 15, lines 34-43).

In an analogous art, Brooks discloses permitting an operator (centralized facility 400 – Fig. 1) to monitor what the user watches (col. 4, lines 30-32) and to provide the user incitement to allow use of the monitoring (col. 4, lines 62-66, col. 5, lines 21-25, lines 39-46) for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Brooks, for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

As for claim 24, Massetti discloses a computer program product directly loadable into the internal memory of a multimedia integrated receiver decoder, said computer program product comprising software code portions (As there is a memory, processor, and microcontroller, there is software code to execute the following steps) for performing the following steps:

- identifying triggers (source identification codes) in a data stream received by the multimedia integrated receiver decoder (184 – Fig. 5, col. 15, lines 28-42),
- storing identified triggers in memory (192 – Fig. 5, col. 15, lines 30-43), and

- transmitting said stored identified triggers from said integrated receiver decoder (col. 15, lines 34-43)
- transmitting said stored trigger information from said IRD without user identification information (col. 15, lines 34-43).

In an analogous art, Brooks discloses permitting an operator (centralized facility 400 – Fig. 1) to monitor what the user watches (col. 4, lines 30-32) and to provide the user incitement to allow use of the monitoring (col. 4, lines 62-66, col. 5, lines 21-25, lines 39-46) for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include permitting an operator to use the method and giving a user incitement to allow use of the method, as taught by Brooks, for the advantage of giving incentives to improve viewer participation or compliance with exposure surveys.

Claim 25 contains the limitations of claims 12 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 27 contains the limitations of claims 22 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 28 contains the limitations of claims 23 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 29 contains the limitations of claims 24 and 17 and is analyzed as previously discussed with respect to those claims.

As for claims 34, and 40-42, Massetti and Brooks disclose the claimed limitations. In particular, Brooks discloses wherein the incitement is connected to a fee reduction for using the operator's services (A bonus reward such as an amount of money is given to an audience member for allowing to be monitored – col. 5, lines 56-63).

As for claim 39, Massetti and Brooks disclose the claimed limitations. In particular, Massetti discloses monitoring the data stream as discussed above in claim 12 and wherein in step c) said channel identifier is added to a trigger log (Channel identifier identifying the channel presently tuned to is stored in a list together with a time stamp - col. 15, lines 28-40).

3. Claims 13, 19-21, and 30-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view of Brooks as applied to claim 12 above, and further in view of Aras (5872588).

Considering claim 13, Massetti and Brooks fail to disclose wherein said transmitting is initiated by a service provider.

In an analogous art, Aras discloses wherein the table is reported to the BCC when requested by the BCC – col. 17, lines 57-67.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein said transmitting is initiated by a service provider, as taught by Aras, for the advantage of the service provider collecting the statistical information at its convenience or when needed.

As for claim 19, Massetti and Brooks fail to disclose wherein at least two triggers are sent for a single event to be monitored, wherein said single event is a commercial.

In an analogous art, Aras discloses wherein each broadcast of AVM is embedded with one or more AVIs (trigger) and that the AVM is a commercial. – see col. 8, lines 1-10, lines 52-67

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein at least two triggers are sent for a single event to be monitored, wherein said single event is a commercial, as taught by Aras, for the advantage of allowing advertisers to know the number of consumers that have viewed their commercials completely.

As for claim 20, Massetti and Brooks fail to disclose wherein said at least two triggers are similar.

In an analogous art, Aras discloses a start index and stop index. Both of these are similar in that both are time indices - col. 9, lines 1-10.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein at least two triggers are similar and that both are time indices, as taught by Aras, for the advantage of allowing the advertiser to know the number of consumers that have viewed their commercials completely.

As for claim 21, Massetti and Brooks fail to disclose wherein one of the at least two triggers is a start trigger and one of the at least two triggers is a stop trigger.

In an analogous art, Aras discloses wherein one of the triggers is a start index (start trigger) and the other a stop index (stop trigger) – col. 9, lines 1-10, col. 20, lines 15-40.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein one of the at least two triggers is a start trigger and one of the at least two triggers is a stop trigger, as taught by Aras, for the advantage of allowing the advertiser to know the number of consumers that have viewed their commercials completely.

As for claim 30, Massetti and Brooks fail to disclose wherein the trigger is provided without an identification of the trigger.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (trigger information) - col. 22, lines 60-67, col. 23, lines 1-13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein the trigger is provided without an identification of the trigger, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

As for claim 31, Massetti and Brooks fail to disclose wherein the triggers in said data stream are without an identification of the triggers.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (triggers) - col. 22, lines 60-67, col. 23, lines 1-13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein the triggers in said data stream are without an identification of the triggers, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

As for claim 32, Massetti and Brooks fail to disclose wherein the triggers are without an identification of the triggers.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (triggers) - col. 22, lines 60-67, col. 23, lines 1- 13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein the triggers are without an identification of the triggers, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

As for claim 33, Massetti and Brooks fail to disclose wherein the triggers are without an identification of the triggers.

In an analogous art, Aras discloses wherein AVM streams are transmitted without the AVI information (triggers) - col. 22, lines 60-67, col. 23, lines 1- 13.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein the triggers are without an identification of the triggers, as taught by Aras, for the advantage of sending a reduced amount of data to the user end.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view of Brooks as applied to claim 15 above, and further in view of Block (4,528,589).

As for claim 16, Massetti and Brooks fail to disclose a method wherein said log file comprises only stored identity identifications.

In an analogous art, Block discloses a unique program identification code that is stored at the subscriber station and transmitted to a remote location (col. 4, lines 15-48).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' system to include a log file which comprises only stored identity identifications, as taught by Block, for the advantage of providing a simpler technique for billing purposes (col. 4, lines 15-38, col. 5, lines 35-48).

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti in view of Brooks as applied to claim 25 above, and further in view of Cheung (4258386).

As for claim 26, Massetti discloses wherein a trigger is sent as discussed above in claim 12 but fails to disclose wherein said trigger comprises only a command for storing said channel identifier and a time stamp.

In an analogous art, Cheung discloses wherein a trigger comprises a command for storing only the channel ID and time stamp – col. 2, lines 43-52, col. 1, lines 7-12.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti's invention to include wherein a trigger comprises a command for storing only the channel ID and time stamp, as taught by Cheung, for the advantage of limiting the amount of information of statistical data of programs watched by a user to a minimum.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti and Brooks as applied to claim 25 above, and further in view of Kamada (US 2003/0056208).

As for claim 35, Massetti and Brooks fail to disclose wherein channel switches are not logged.

In an analogous art, Kamada discloses when a channel that is viewed only for a time less than a predetermined short time (channel switching), no record is created for the advantage of preventing an extremely short-time view from being registered as a record such that less memory is used up.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein channel switches are not logged, as taught by Kamada, for the advantage of preventing an extremely short-time view from being registered as a record such that less memory is used up.

7. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massetti and Brooks as applied to claim 25 above, and further in view of Jimmei (6614795).

As for claim 36, Massetti and Brooks fail to disclose wherein said trigger comprises a header indicating that it is a trigger and a field containing a unique trigger identification.

In an analogous art, Jimmei discloses wherein the trigger (packet) comprises a header (IP Header; col. 7, line 65 –col. 8, line 7) indicating that it is a trigger (S101 – Fig. 18, col. 20, lines 11-20) and a field (UDP data) containing a unique trigger identification (S103 – Fig. 18, col. 20, lines 20-25) for the advantage of initiating an event to occur.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Massetti and Brooks' invention to include wherein said trigger comprises a header indicating that it is a trigger and a field containing a unique trigger identification, as taught by Jimmei, for the advantage of initiating an event to occur.

As for claim 37, Massetti, Brooks, and Jimmei disclose the claimed limitations. In particular, Jimmei discloses wherein said unique trigger identification is unique only during a specific period of use (The packet is transmitted to set-up a temporary connection. – col. 5, lines 53-63, col. 6, lines 14-20).

As for claim 38, Massetti, Brooks, and Jimmei disclose the claimed limitations. In particular, Jimmei discloses wherein packets are transmitted to set-up a temporary

Art Unit: 2623

connection (col. 5, lines 53-63, col. 6, lines 14-20). Since there is a limit to the number of numbers that can be used in the trigger identification and since the connections are temporary, the unique trigger identifications are reused after information is transferred to a destination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800